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Patent  
Attorney Docket: 302,670-6  
(prev 265/071)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Mark M. Wang et al.

Serial No.: 09/993,326

Filed: November 14, 2001

For: METHOD OF SEPARATING  
PARTICLES USING AN OPTICAL  
GRADIENT (As Amended)

Group Art Unit: 1651

Examiner: Jon P. Weber

Allowed: November 10, 2003

Issue Fee Due: February 10, 2004

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby request that the filing receipt be corrected to reflect the correction of the priority claim under DOMESTIC PRIORITY DATA AS CLAIMED BY APPLICANT.

The priority claim in the above application is as follows:

This application is a CIP of 09/845,245, 04/27/2001

Upon reviewing the file after receiving the Notice of Allowance, Applicants have discovered a discrepancy in the Filing Receipt for this application. Applicants, by the current paper, are correcting the priority data on the Filing Receipt to reflect the priority data contained in the Declaration (copy attached hereto).

CERTIFICATE OF MAILING  
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted to (703) 746-9195 on the date shown below addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date

11/25/03

Denise N. Doss

Patent  
Attorney Docket: 302,670-6  
(prev 265/071)

In addition, a copy of the filing receipt, with handwritten corrections, is enclosed.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: 11/25/03

By: 

Michael S. Davidson  
Reg. No. 43,577  
Attorneys for Applicant

MSD/dnd

**34263**

PATENT TRADEMARK OFFICE

O'Melveny & Myers LLP  
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Irvine, CA 92618-3315  
(949) 737-2900

IRI:1050109.1

**DECLARATION  
Utility Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled Methods and Apparatus for Measurement of Dielectric Constants of Particles the specification of which

(Check One) ☐ is attached hereto OR  
☒ was filed on November 14, 2001 as United States Application Serial No. 09/993,326 or PCT International Application No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed	
			Yes	No

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

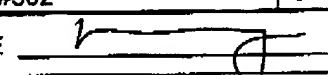
Application Number(s)	Filing Date

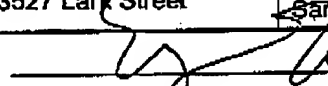
I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

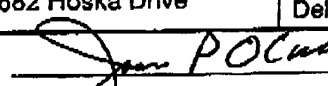
U.S. Parent Application Number	Parent Filing Date	Status-Patented, Pending or Abandoned
A continuation-in-part of Serial No. 09/845,245	April 27, 2001	Pending

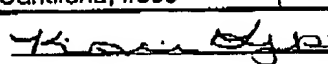
Lyon & Lyon LLP  
Docket Information  
265/071


I further declare that all statements made herein of my own knowledge are true and that all statements made in information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	FIRST Name Mark	MIDDLE Initial M.	LAST Name Wang	
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INVENTOR'S SIGNATURE 			DATE February 13, 2002		



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/993,326	11/14/2001	1741	453	265/071	19	22	2

CONFIRMATION NO. 5677

## UPDATED FILING RECEIPT



\*OC000000007833844\*

22249

LYON & LYON LLP  
633 WEST FIFTH STREET  
SUITE 4700  
LOS ANGELES, CA 90071

Date Mailed: 04/09/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Mark M. Wang, San Diego, CA;  
Eugene Tu, San Diego, CA;  
James P. O'Connell, Del Mar, CA;  
Kristie L. Lykstad, San Diego, CA;  
William F. Butler, La Jolla, CA;

## Assignment For Published Patent Application

Genoptix;

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CIP OF 09/845,245 04/27/2001  
~~WHICH CLAIMS BENEFIT OF 09/248,451 11/13/2000~~

## Foreign Applications

If Required, Foreign Filing License Granted 01/17/2002

Projected Publication Date: 07/18/2002

Non-Publication Request: No

Early Publication Request: No

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US PATENT OFFICE

**Title**

Methods and apparatus for measurement of dielectric constants of particles

**Preliminary Class**

204

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